

Electoral harvest time in Kyiv

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In the election time, some rather specific things that happen in Kyiv may surprise not only outside observers, but also local analysts who look as if they are used to anything. Among the recent manifestations of such peculiar approaches in the state that claims being a democracy and respecting the rule of law is a recent conflict caused by the suspension of the mayor of Kyiv and chairman of the Kyiv City State Administration (KCSA) Oleksandr Omelchenko. His decision to take a break for the period of the campaign race in which he takes part as a leader of one of the parties, was followed immediately with the appointment, by the presidential decree, of his deputy Ihor Shovkun as acting chairman of the KCSA, seen by many as an appointee of Omelchenko's competitors for political influence and resources of Kyiv. The irony is that Shovkun also runs for parliament – as a member of the Democratic Party – Democratic Union block. For Omelchenko the change meant the loss of resources and influence in the capital, but a week later President changed his mind to the opposite and cancelled his own decree. What was the reason for that and how the move will affect the outcome of voting on March 31?

«A hand feeling the pulse of the capital»

On August 8, 1996, by the decree of President Kuchma, a former first deputy of the Kyiv State City Construction Company (1985-1987), Director General of the «Kyivreconstruction» State Communal Firm (1992-1994), former deputy and, subsequently, first deputy chairman of the city state administration Oleksandr Omelchenko was appointed to the position of chairman of the Kyiv City State Administration (KCSA). On June 3, 1999, following the election of Omelchenko as the mayor of Kyiv, the president signed another decree that kept Omelchenko in his position of the chairman of the KCSA, thus, making him both elected leading local self-governance official and appointed head of the local executive branch.

In the 2002 election campaign Omelchenko was, probably, the first and the only one of senior officials who followed Kuchma's recommendation that civil servants who ran for parliament should take a leave for the entire period of the election campaign. Therefore, Omelchenko formally applied for a vacation from February 11 till the end of the race (March 31) and appointed his deputy, secretary of the Kyiv City Council Volodymyr Yalovyi, as acting mayor of Kyiv, and his other deputy at the KCSA, Mykhailo Holytsya, as the acting chairmen of the KCSA.

On February 11, 2002, President Leonid Kuchma signed a decree on appointing Omelchenko's other deputy, Ihor Shovkun, to the position of the acting chairman of the KCSA. Shovkun was formally introduced to his new subordinates by Prime Minister Anatoly Kinakh, number 2 in another competing election block, «Za Yedynu Ukraine!». By the way, Prime Minister Kinakh

has his own reasons to dislike Omelchenko. One of them is the fact that Omelchenko had very strong chances to become a prime minister after the forced resignation of the Yushchenko government in April 2001, and should Leonid Kuchma have found some other reliable officer to run Kyiv it is unlikely that Kinakh would have the position he occupies now. The «guarantor of the Constitution» Kuchma then made a peculiar statement: «Today the position of the prime minister should be occupied by a «working horse» that should draw the plough, and there should be a steering wheel behind». «And I will make my best to hold the arms of the plough,» he added (Uriadovyi Kurrier, May 5, 2001). Although Omelchenko did not become the prime minister, he served the role of the «horse» diligently and was treated favorably by the top-ranking «ploughman». However, at the end of November 2001 he managed to receive «his own» faction in the parliament, «Yednist», named after the party Omelchenko brought up from the margins of the political process. The party «Yednist», initially registered in 1998 but showing no signs of life since then, with Omelchenko began to build up membership and activity. On December 25, 2001, the 3rd congress of the Ukrainian Party «Yednist» («Unity») formed an election block with the same name. The block was joined by two minor parties - the Social Democratic union and the «Spravedlyvist» («Justice») party.

However, back to the recent events... Trying to prevent the «quiet revolution» in the Kyiv decision-making bodies, Omelchenko formally called back his application for vacation, arguing that his step was motivated by the «circumstances, when there was an attempt to appoint Ihor Shovkun without his consent as acting chairman of the Kyiv City State Administration» (UNIAN, February 11, 2002). He also summoned an extraordinary session of the Kyiv City Council. The next day he appeared live on Radio Liberty airwaves and announced that the attempt to dismiss him from the position of the chairman of the KCSA belonged to the political domain. As the proof of his assumption he referred to the fact that all the three participants of the scandal – Kinakh, Shovkun and himself – were running for parliament as members of election lists of different political forces. «Today, one thing is clear for me: there are our blocks and there are alien blocks,» Omelchenko stated, clearly confident that the law is at his side. He was quite frank in describing the attempt to dismiss him from his executive position: «in fact that was an attempt to capture power» made by «those oligarch forces that already tried to take power in Kyiv in the past elections of the city chairman» (UNIAN, February 12, 2002). Then, at the election of the mayor, the main competitor to Omelchenko was Hryhory Surkis, a leader of the SDPU(o).

Noteworthy, the president's decree was made public when Kuchma was in Russia, where he met, among others, with Western Siberian businessmen in Surgut and denied he had stated earlier that Ukraine would join the European Union by 2011. The situation with Omelchenko was publicly interpreted – also live on the Radio Liberty airwaves - by deputy chief of staff of the presidential administration Leonid Pidpalov. According to Pidpalov, he was «surprised» with the «artificial situation around Oleksandr Omelchenko» as the presidential decree dismissing Omelchenko from his position of chairman of the KCSA for the period of the election campaign «does not deserve such a reaction», as it was «an absolutely normal event that in other circumstances would have occurred quietly» (UNIAN, February 12, 2002). The «Solomon's solution» was suggested by chairman of the Central Election Commission Mykhailo Ryabets: answering the questions of members of the parliament on that matter, he suggested that Omelchenko should file a complaint with the court if he thought his rights had been violated by the presidential decree

(Molod Ukrainy, February 12, 2002).

Oleksandr Omelchenko, obviously, did not regard such an option as viable, but he did not seem to consider his dismissal to be an «absolutely normal event». On February 12, a meeting of the Kyiv City Civic Political Association «Yednist» formed a public committee for protection of the Kyiv city chairman and local self-governance and a Civic parliament of Kyiv (UNIAN, February 12, 2002). According to Omelchenko's loyal vice mayor Volodymyr Yalovyi, there was «none only a threat of dismissal of the Kyiv city chairman, but also violation of rights of citizens of the capital for self-governance». «In future, it is not excluded that the protest sentiments in the society will grow and they will have to be managed», he warned, and announced that «the newly established Civic Committee may become the guarantor of maintaining public peace.» The arguments for Kuchma were ready.

Reports about Omelchenko's efforts to win back Kuchma's trust and favor after the president's return from Russia on February 13, could have been made a contribution to soap operas. Finally, late in the evening of February 18 Omelchenko managed to change the situation and convince Kuchma to call off his decree – but what Omelchenko managed to do it will probably remain a secret for the public.

On February 18 the president signed a different decree that announced the decree of February 11 invalid. The explanation of such a radical change of mind was offered by the presidential chief of staff Volodymyr Lytvyn: he announced that Omelchenko's main argument was a justified need «to keep his hand on the pulse of the capital» (UNIAN, February 19, 2002). Deputy chairman of the KCSA Ihor Shovkun was also back after a one-week break. It looked like the status quo in the capital of Ukraine was restored.

Whos is the boss in the household?

For Oleksandr Omelchenko, the «part-time» service that involved sitting simultaneously in two chairs almost resulted in the loss of power in Kyiv. The fact that the president's decree of February 11 contradicted the Constitution, the law «ON the Capital of Ukraine, the Hero City Kyiv» and a number of self-governance laws was no surprise for either Omelchenko or others. If Omelchenko and some hopeless optimists (Omelchenko is definitely not one of them) were not sure who was the boss in Kyiv, the presidential decrees made the situation perfectly clear. Similarly clear is the fact that there is no such thing as «the power elite» – instead, there are multiple conflicting interests that fight for influence and access to the top decision-maker. Oleksandr Omelchenko is clearly aware of that – otherwise why would he publicly claim that Kuchma, again, was «misled» by «bad» oligarchs, and why would the Social Democratic Union, a minor partner in the «Yednist», appeal to the President of Ukraine: «this is not the first time when business, oligarchic clans attempt to make you clash with representatives of healthy political forces» (UNIAN, February 12, 2002).

Commenting on the scandal in an interview to the ForUm (www.for-ua.com), official representative of the «Yednist» in the parliament Ivan Saliy MP made it clear: «... the capital city remains desirable for oligarchic structures. Various fights behind the curtains take place over privatization or transforming to communal property of a control package of shares of the

«Kyivenergo», «Kyivmlyn», «Kyivkhllyb», and the Kyiv Water Channel. Oligarchs do not want to have a headache and develop production of trams, trolleybuses, combine harvesters. They believe one can make big profits on privatizing the capital city.» Oleksandr Omelchenko also announced in his live broadcast on the Radio Liberty on February 12 that the appointment of Ihor Shovkun was an attempt to disorganize Kyiv, «organize access to certain forces to millions of funds», among other things, to the «Khreshchatyk» bank. Immediately after his appointment, Ihor Shovkun issued an order to temporarily suspend financial operation of the bank and stop servicing all accounts of the Kyiv city state administration (UNIAN, February 12, 2002). It is worth noting that the «Khreshchatyk» is the commercial bank through which all budget funding for health care, education, culture, transportation and communal services go, as well as payments of all social security programs. The order (by now cancelled by Omelchenko) would have almost certainly caused delays in payment of wages, salaries in the budget-funded sector, and social security benefits.

Gains and losses

In the eyes of many Oleksandr Omelchenko appears to be a situational hero who managed to convince the president himself and regain control over the capital city, while simultaneously having created a precedent against illegitimate dismissal of an elected local official. Many analysts think the growth of Omelchenko's popularity will have a positive impact on the image of his block, «Yednist», that so far has had no good reason to hope to pass the 4% threshold and make its way to the parliament. The president's decree, the subsequent scandal and the opposite decree turned out to be a good PR action for the «Yednist».

However, Omelchenko did not live up to the image of a potential «opponent», able to counter the attempts of other groups of influence, close to President Kuchma, at least in Kyiv. Kuchma restored Omelchenko in his position and called on him to «work and not engage in politics», «politics that gives satisfaction or anything positive to no one», and warned that «nothing can be done in this hour with a sabre and riding a horse» (UNIAN, February 19, 2002). Omelchenko so far has done nothing to suspect he is going to ignore the hint.

Hence, Omelchenko's possible losses may include his chances to use the notorious «administrative resource» of Kyiv in favor of his «Yednist» and not to use the negative «administrative resource» against Nasha Ukraina, a block that found an attractive place for Omelchenko's son in its election list. Instead, the Kyiv authorities will probably have to create the «most favored political force» regime to the block of the «parties of power», the block «Za Yedynu Ukrainu!», and act in favor of candidates, close to the presidential administration, in Kyiv-based majoritarian constituencies. This opinion is shared, among others, by leader of the Ukrainian People's Rukh Yuri Kostenko, who argued that the dismissal of the head of the KCSA at the height of the election campaign is an attempt to «make the best use of the administrative resource in favor of the party of power – the «Za Yedynu Ukrainu» block (UNIAN, February 12, 2002).

The conflict highlighted contradictions within the «Yednist» itself, when a number of its members preferred not to show their attitude to the conflict but to take urgent «sick leaves». What conclusions will Omelchenko make on that, and what (if any) changes will occur in the

party is still a matter of guess, but it looks like the party is having internal troubles.

Some preliminary results

That Omelchenko had better prepared for unpleasant surprises was predicted by analysis a few weeks ago during the mock «tape scandal», seen both as testing the ground and an attempt to contribute for the formation of a peculiar public opinion about the Kyiv mayor and chief administrative executive and his style of political game. For now, Omelchenko may devote all his energy and resources to preparations for running for the position of the mayor of Kyiv. By February 20, there were 10 officially registered candidates for the position, and 12 more waited in line to be formally registered (Interfax-Ukraine, February 20, 2002). The list of more or less known individuals claiming the mayor's position is Omelchenko himself, his party's representative in the parliament Ivan Saliy, «mafia fighter» Hryhory Omelchenko MP and a leader of the Yabluko party Victor Chaika.

Unlike the «Yednist» chances in the elections, Oleksandr Omelchenko's positions in Kyiv are rather strong, although not unshakable. As demonstrated by a recent telephone poll, conducted by the Razumkov Ukrainian Center for Economic and Political Studies (UCEPS) on February 12-14, 2002 (random selection of 920 respondents aged 18 and over), 56.3% respondents were prepared to vote for electing Omelchenko as their mayor again, though three months earlier as many as 66% had said they would do so. According to the recent poll, 19.2% do not want Omelchenko to be re-elected for mayor for the next term, and 24.5% had not made up their mind. An average mark Omelchenko received as a mayor is «good». 49.6% of Kyivites who took part in the poll said their did not support the president's decree dismissing Omelchenko, 18.3% of the respondents supported the decree, 15.8% said they did not care, and 16,3% could not give a definite answer (UNIAN, 18 February 2002).

The case of substituting Omelchenko with a representative of a competing political force, a series of talks behind the closed door and, finally, the return of Omelchenko to both of his positions may serve as an illustration to the conclusion made once by Vyacheslav Pikhovshek at the time of the emergence of two «teams» that originated from once united «Dnipropetrovsk family»: «when there are only species of the same kin, the fight is fought between the kinsmen». The fight between different groups and «centers of power» in President Kuchma's inner circle has deteriorated to the stage of overt confrontation. It is still unclear what the final score will be, but it looks like the losers have already been identified: they are Kyiv voters. Apparently, nobody has illusions about intention and capacity of the power establishment to ensure «fair» and «transparent» elections in the capital city. Therefore, there is no difference who exactly, and in whose favor will engage in power abuse, for reasons of political correctness referred to as «administrative resource».